

Amend CSHB 3 (committee printing) as follows:

(1) On page 8, line 27, insert the following:

Sec. 418A.0071. COMPENSATION FOR GOVERNMENTAL ACTION. (a) Except as provided by Subsection (b), a business owner is entitled to compensation from a political subdivision for losses caused to the owner's business by an order issued by the political subdivision that:

(1) closes a business permanently or temporarily; or

(2) effectively closes a business by:

(A) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or

(B) ordering customers not to patronize the business.

(b) A business owner is not entitled to compensation under Subsection (a) if the political subdivision can demonstrate that the primary reason for the governmental action was:

(1) a judicial finding that the business:

(A) was a nuisance under Chapter 125, Civil Practice and Remedies Code, Chapter 341 or 343, Health and Safety Code, or common law; or

(B) violated other law; or

(2) a finding that the business or owner failed to:

(A) acquire or maintain a license required by the governmental entity for the business;

(B) file or maintain records required by the secretary of state; or

(C) pay taxes.

Sec. 418A.0072. ACTION AGAINST POLITICAL SUBDIVISION. (a) A business owner may bring an action against a political subdivision for compensation for damages caused to the business by a governmental action described by Section 418A.0071(a).

(b) An action under this chapter may be brought in a district court in any county in which the business is located.

Sec. 418A.0073. WAIVER OF GOVERNMENTAL IMMUNITY; PERMISSION TO SUE. Sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability

created by Sections 418A.0071 and 0072.